

Claims 19-42, 44 and 45 are pending.

In the December 8, 2005 Office Action, the Examiner required restriction under 35 U.S.C. §121 to one of the following allegedly independent and distinct inventions:

- I. Claims 19-27, drawn to a method of stimulating remyelination comprising administering an antibody against to glatiramer acetate;
- II. Claims 28-42, drawn to a method of treating a subject suffering from a disease associated with demyelination comprising administering an antibody against glatiramer acetate;
- III. Claim 44, drawn to a method of treating a subject suffering from a disease associated with demyelination comprising administering glatiramer acetate to the subject; or
- IV. Claim 45, drawn to a method of stimulating proliferation of lymphocytes.

If Group II or IV is elected, the Examiner further required applicants to elect a species for the disease associated with demyelination of the central nervous system axons in for initial examination. The Examiner indicated that current claims 28 and 44 are generic to all species, and if either generic claim is ultimately allowed, applicants will be entitled to consideration of a claim to any species which is dependent on, or otherwise includes all limitations of, the generic claim.

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In response, applicants elect, with traverse, **claims 28-42**, corresponding to **Group II**, drawn to a method of treating a subject suffering from a disease associated with demyelination comprising administering an antibody against glatiramer acetate. As requested by the Examiner, applicants hereby elect the species **multiple sclerosis** for purposes of initial examination. Of the elected claims, claims 28-38 and 41-42 read on the elected species. Applicants note that, although the Examiner did not list multiple sclerosis as one of the species on pages 3-4 of the December 8, 2005 Office Action, multiple sclerosis is recited as one of the species in claim 38.

Applicants look forward to the rejoinder of species acute disseminated encephalomyelitis, transverse myelitis, demyelinating genetic diseases, spinal cord injury, virus-induced demyelination, Progressive Multifocal Leucoencephalopathy, Human Lymphotropic T-cell Virus I (HTLV)-associated myelopathy and nutritional metabolic disorders, once claim 28 is deemed allowable.

However, applicants respectfully request that the Examiner reconsider and withdraw the restriction between Groups I-II and IV. Under 35 U.S.C. §121, restriction may be required if two or more independent and distinct inventions are claimed in one application. Applicants maintain that the inventions of Groups I-II and IV are drawn to related methods. Thus, the inventions of Groups I-II and IV are not independent and restriction is not proper.

Under M.P.E.P. §802.01, "independent," means "there is no disclosed relationship between the subjects disclosed, that

is, they are unconnected in design, operation and effect." Applicants maintain that there is a disclosed relationship between Groups I-II and IV. Group I is related to Group II and Group IV in that the methods use an antibody directed against an epitope on glatiramer acetate. Accordingly, the restriction requirement should be withdrawn with respect to Groups I-II and IV.

Furthermore, under M.P.E.P. §803, the Examiner must examine the application on the merits, even though it includes claims to distinct inventions, if the search and examination of an application can be made without serious burden. Applicants assert that the withdrawal of the restriction requirement with respect to Groups I-IV would not impose a serious burden on the search or examination. A search of the prior art regarding a method of treating a subject by administration of an antibody against glatiramer acetate (Group II) would also reveal prior art concerning methods of stimulating remyelination of axons by contacting axons with such an antibody to glatiramer acetate (Group I), and of stimulating proliferation of lymphocytes by contacting lymphocytes with such an antibody to glatiramer acetate (Group IV). Given that it would not be a serious burden on the Examiner if restriction were not required, the restriction requirement should be withdrawn with regard to Groups I-II and IV.

In view of the remarks made herein, applicants maintain that the Examiner's restriction made in the December 8, 2005 Office Action is not proper under 35 U.S.C. §121 and respectfully requests that the Examiner reconsider and withdraw the restriction requirement with regard to Groups I-II and IV.

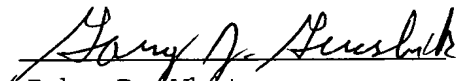
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Summary

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee is deemed necessary in connection with the filing of this Response. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.


Respectfully submitted,


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